

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
EASTERN DISTRICT OF MISSOURI**

IN RE:)
) Case No. 20-43555
Ben F. Blanton Construction, Inc.)
 ,) Chapter 11
)
Debtor.)

APPLICATION TO EMPLOY ATTORNEYS FOR DEBTOR-IN-POSSESSION

COMES NOW, the above-named Debtor hereby respectfully move this Court, pursuant to sections 327(a) and 329(a) of title 11 of the United States Code (the “Bankruptcy Code”), Bankruptcy Rules 2014(a) and 2016(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rules 2014(A) and 2016-1 of the Local Rules of Bankruptcy Procedure for the United States Bankruptcy Court for the Eastern District of Missouri (the “Local Bankruptcy Rules”), for entry of an order authorizing the retention and employment of Lathrop GPM (“Lathrop GPM”) as counsel to the Debtor in this chapter 11 case, effective as of the Petition Date, and in support thereof respectfully represent as follows:

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334 and Rule 9.01(B)(1) of the Local Rules of the United States District Court for the Eastern District of Missouri. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

BACKGROUND

2. On July 16, 2020 (the “Petition Date”), each of the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code, codified as new 11 U.S.C. §§ 1181-1195.

3. The Debtor is a 47 year old construction management, design/build, and general contracting company with headquarters in the greater metropolitan St. Louis, MO area. The company began operations in 1970 as a residential builder and then moved into commercial construction. The Debtor has completed a great number of both chain and independently owned fast food and family dining restaurants, gas & convenience stores and a wide variety of retail stores. After two decades of successful commercial building the Debtor sought additional types of building to satisfy the need for diversity within the building profession. The Debtor currently provides a wide range of services which includes, pre-construction, general contracting, construction management, along with design/build and build to suit construction for industrial, commercial, retail, education/ institutional, senior care and federal/state markets, and had nearly \$30,000,000 in revenue during its last fiscal year.

4. The Debtors continue to manage and operate their businesses as debtors in possession under sections 1107 and 1108 of the Bankruptcy Code.

BASIS FOR RELIEF

5. Debtor has employed the law firm of Lathrop GPM LLP, 7701 Forsyth Blvd., Suite 500, St. Louis, Missouri 63105, to render legal services to Debtor.

4. Debtor has selected Lathrop GPM LLP for the reason that said attorneys have experience in matters of this character and are qualified to represent it as Debtor-In-Possession.

5. The professional services which Lathrop GPM LLP is to render includes:

- a. Analysis of the Debtor's financial condition and rendering advice in determining whether to file a petition in bankruptcy;
- b. Preparation and filing of any petition, schedules, statement of financial affairs, plan, disclosure statement and all other papers which may be necessary or appropriate in the bankruptcy proceeding;
- c. Representation of the Debtor at the meeting of creditors, the hearing and any adjourned hearings thereof;
- d. Representation of the Debtor in adversary proceedings and other contested bankruptcy matters; and
- e. Federal and state court lawsuits and administrative proceedings related or ancillary to the bankruptcy proceeding.

6. It is necessary for Debtor to employ an attorney to render such professional services.

7. Debtor will employ the firm of Lathrop GPM LLP at the standard hourly rates charged by the firm for services of this type as follows: from \$220 to \$685 per hour for attorneys and \$140 to \$245 per hour for paralegals. In addition to the standard hourly rates to be charged, Debtor will pay all reasonable and actual expenses incurred by Lathrop GPM LLP in representing Debtor.

8. Debtor has paid Lathrop GPM LLP a retainer of \$25,000.00 at the time of the filing of the Chapter 11 Petition. Debtor agrees the retainer is not intended to be a flat fee for all services to be provided to Debtor, but is to be a general retainer for the purpose of obtaining legal services and expenses provided by Lathrop GPM LLP in connection with its Chapter 11 proceeding. If the fees and expenses of Lathrop GPM LLP in this case exceed the retainer, it will seek approval of the Bankruptcy Court for payment of such fees and expenses in accordance with the provisions of the United States Bankruptcy Code.

9. Lathrop GPM LLP represents no interest adverse to the Debtor in the matters upon which it is to be engaged as attorney for Debtor, except as stated in the Affidavit of Proposed Attorney for Debtor-In-Possession that accompanies this Application.

10. The employment of Lathrop GPM LLP as attorney for Debtor-In-Possession is in the best interests of the estate.

WHEREFORE, Debtor prays that it be authorized to retain and employ Lathrop GPM LLP under a general retainer to represent it as Debtor-In-Possession in this proceeding under Chapter 11 of the Bankruptcy Code and for such further relief as the Court deems just.

Respectfully submitted,

Ben F. Blanton Construction, Inc.

By: /s/Jeff Blanton
Jeff Blanton, President

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the above was served electronically on all creditors, parties in interest or their attorneys of record, according to this Court's notice of electronic filing and that a copy was served by regular mail, postage prepaid, to the creditors, parties in interest or their attorneys of record that did not receive electronic notice on this 17th day of July, 2020.

/s/ Wendi Alper-Pressman

Attorneys for Debtor